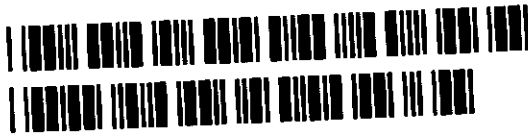
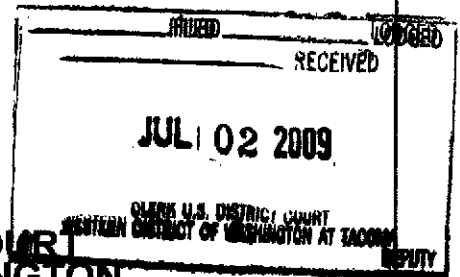


Karen L. Strombom, Chief U.S. Magistrate Judge



09-CR-05367-MISC



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Shayla K. Jarvis,

Defendant.

NO. CR 09-5367

PRETRIAL DIVERSION
AGREEMENT

I, Shayla K. Jarvis, understand that I have been charged with an offense against the United States on or about February 6, 2009, in violation of Title 18, U.S.C. Section(s) 7 and 641, in that I did commit the offense of Theft. The maximum penalty for this offense is one year in custody and a fine of \$100,000, or both, and a penalty assessment of \$25.

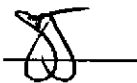
I understand that I may have the right to have an attorney appointed to represent me and if I am entitled to an appointed attorney, I have been given the opportunity to confer with an attorney prior to entering into this Agreement. If I have chosen not to be represented by an attorney, I understand by initialing this line that I have waived my right to be represented by an attorney. _____

AGREEMENT FOR PRETRIAL DIVERSION - 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101
(206) 553-7970

1 I understand that under the Sixth Amendment to the United States Constitution and
2 under the Speedy Trial Act, 18 U.S.C. Section 3161 et seq., I have the right to a prompt
3 arraignment and to a speedy trial. I also understand that under the Federal Rule of
4 Criminal Procedure 48(b), the Court may dismiss the charges against me if there is
5 unnecessary delay in bringing the case to trial. I consent to waiving these rights and to
6 continuing the trial in this matter for a period not to exceed fifteen (15) months from the
7 date of this Agreement. I agree and consent that any delay resulting from this Agreement
8 shall be deemed a necessary delay at my specific request. I waive any defense to such
9 prosecution on the grounds that a delay resulting from this Agreement denied my rights
10 under Federal Rule of Criminal Procedure 48(b), the Speedy Trial Act, 18 U.S.C. Section
11 3161 et seq., and the Sixth Amendment to the United States Constitution to a speedy trial
12 or to bar the prosecution by reason of the running of the statute of limitations for a period
13 of months equal to the length of the diversion supervision. I understand that the period
14 of delay caused by this Agreement is excludable time for speedy trial purposes.

15 I understand that I may have a constitutional right to a trial by jury. I understand that
16 I have the right to trial, judgment, and sentencing before a United States District Judge
17 or a United States Magistrate Judge. By initialing this line, I knowingly and voluntarily
18 waive my right to a jury trial on the charges pending and consent to trial, judgment and
19 sentencing by a United States Magistrate Judge.

20 
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1 **AGREEMENT**

2 I understand that upon accepting responsibility for my behavior and by my signature
3 on this Agreement, it appears that the interest of the United States and my own interest
4 and the interest of justice will be served by the pretrial diversion of this case. Therefore,
5 provided that the Pretrial Services investigation reveals that I am eligible for the program,
6 the United States Attorney for the Western District of Washington, through Assistant
7 United States Attorney, Barbara J. Sievers, for said district, agrees that the prosecution
8 of Shayla K. Jarvis, shall be deferred for a period of twelve months.

9 I understand that if I successfully complete the Pretrial Diversion Program, no
10 prosecution of the offense set out on page one of this Agreement will be instituted and
11 the charges against me will be dismissed.

12 **CONDITIONS**

13 By signing this Pretrial Diversion Agreement I accept responsibility for my behavior
14 and agree to comply with the conditions of pretrial diversion contained below:

15 (1) I will not violate any Federal, State, or Local law while on diversion.

16 (2) I will contact the Pretrial Services Office within 48 hours of any arrest and/or
17 questioning by any law enforcement officer.

18 (3) I will not leave the judicial district without the permission of the Pretrial Services
19 Office.

20 (4) I will report to the Pretrial Services Office as directed.

21 (5) I will notify the Pretrial Services Office within 48 hours of any change in
22 residence or employment.

23 (6) I will participate in an initial interview with the Pretrial Services Office to
24 determine my eligibility for the Pretrial Diversion Program. I understand that any
25 information I provide to the Pretrial Services Office must be truthful.

1 **MODIFICATION OF CONDITIONS OF PRETRIAL DIVERSION**

2 I understand that within thirty days of my signing this agreement, and after my initial
3 interview with Pretrial Services, Pretrial Services will notify the United States Attorney's
4 Office that I do or do not meet the basic criteria for eligibility. If I am deemed ineligible
5 within the thirty days, my case will be placed back on the court docket and this agreement
6 and the stipulation of facts will not be used against me at trial.

7 If Pretrial Services makes a recommendation for modification to the United States
8 Attorney's Office, and the United States accepts the modification, then I understand that
9 a modification can be made to this Agreement. I understand that if I refuse to comply with
10 a modification, I will be deemed ineligible for participation in the Pretrial Diversion
11 Program.

12 **VIOLATION OF PRETRIAL DIVERSION**

13 I understand and agree that if the United States Attorney concludes that I have
14 violated this Pretrial Diversion Agreement, the United States may seek to resume the
15 criminal prosecution against me. In that event, the United States Attorney would furnish
16 me with notice of request for termination of the agreement, outlining the allegation, and
17 I would be given an opportunity to respond. Any dispute will be resolved by a United
18 States Magistrate Judge.

19 I understand that if it is determined that I have violated the terms of this Pretrial
20 Diversion Agreement, I will be brought back before the court for a bench trial on the
21 stipulation of facts previously executed containing the citation or police reports. No
22 additional evidence or witnesses will be presented at the trial other than the stipulation
23 of facts.

1 I understand and agree that a copy of the Agreement will be provided to me, the
2 United States Attorney, defense counsel (if any), and the Pretrial Services Office. I
3 understand that the original agreement will be filed with the Court.

4 I understand that upon successful completion of the Pretrial Diversion Program, the
5 United States Attorney will move the Court for an order dismissing the charges pending
6 against me in this case.


7 I, Shayla K. Jarvis, and the United States of America, acknowledge that the above-
8 stated terms and conditions, together with the waiver of speedy trial, waiver of counsel
9 (if applicable), waiver of jury trial (if applicable), and consent to proceed before a
10 Magistrate Judge contained herein, constitute the entire Pretrial Diversion Agreement
11 between the parties.

12 
13 Shayla K. Jarvis
14 Defendant

6/9/09
Date

15 
16 Jerome Kuh
17 Attorney for Defendant

6/15/09
Date

18 
19 Barbara J. Sievers
20 Assistant U.S. Attorney

6/23/09
Date

Karen L. Strombom, Chief U.S. Magistrate Judge

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Shayla K. Jarvis,

Defendant.

NO. CR 09-5367

PRETRIAL DIVERSION
STIPULATION OF FACTS

The parties stipulate that the facts contained in the attached citation, police reports, and/or investigative reports, are a substantially correct version of the facts on which the charge(s) in this case are based.

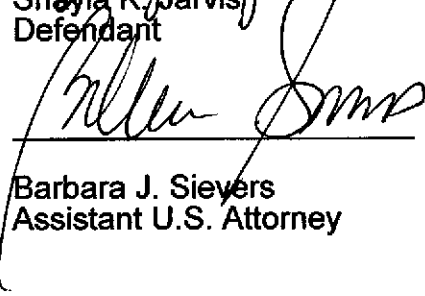
DATED this Ninth day of June, 2009.

Defense Counsel waived

Jerome Kuh
Defense Counsel



Shayla K. Jarvis
Defendant



Barbara J. Sievers
Assistant U.S. Attorney

PRETRIAL DIVERSION STIPULATION OF FACTS - 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101
(206) 553-7970